



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

June 3, 1996

Ms. Elaine Hengren  
Assistant City Attorney  
City of El Paso  
2 Civic Center Plaza  
El Paso, Texas 79901-1196

OR96-0864

Dear Ms. Hengren:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 40221.

The City of El Paso (the "city") received a request for a police report. You state that you are concerned that the report at issue may be confidential under section 261.201 of the Family Code, in conjunction with section 552.101 of the Government Code. Section 552.101 of the Government Code exempts from disclosure information "considered to be confidential by law, either constitutional, statutory, or by judicial decision." Section 261.201(a) provides that the following information is confidential:

- (1) a report of alleged or suspected abuse or neglect made under this chapter and the identity of the person making the report; and
- (2) except as otherwise provided in this section, the files, reports, records, communications, and working papers used or developed in an investigation under this chapter or in providing services as a result of an investigation.

The information at issue appears to be a report and investigation into an allegation of suspected abuse as defined under section 261.001 of the Family Code.<sup>1</sup> See Fam. Code

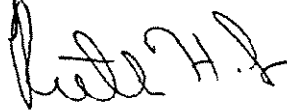
---

<sup>1</sup>You state that it is unclear whether the actual incident investigated fits within the section 261.001(1) definition of abuse. Section 261.201 provides for confidentiality for reports of *suspected* abuse. We note that section 261.109 makes it a criminal offense for an individual to fail to report suspected abuse or neglect "if the person has cause to believe that a child's physical or mental health or welfare has been or may be adversely affected by abuse or neglect."

§261.103 (report of abuse or neglect shall be made to any one of several agencies, including a local law enforcement agency). The information is thus confidential and may not be released.<sup>2</sup>

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the fact presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Ruth H. Soucy  
Assistant Attorney General  
Open Records Division

RHS/ch

Ref.: ID# 40221

Enclosures: Submitted documents

---

(Footnote continued)

suspected abuse or neglect "if the person has cause to believe that a child's physical or mental health or welfare has been or may be adversely affected by abuse or neglect."

<sup>2</sup>We note that section 261.201(f), which addresses access to Department of Protective and Regulatory Services records, is not at issue here.